Dear <name>:

Congratulations on your appointment to the State Emergency Response Commission (SERC) or selection to a SERC committee. The twenty-nine-member commission advises the Governor on emergency response and preparedness issues relevant to administering state and federal requirements.

Your service to Montana is important and valued. The advice and decisions made by the SERC and its associated committees make Montana a better place to live and work. Enclosed are background materials on the statutory authority of SERC, membership, authorities, department organization, and administrative policies. These materials may also be found at [DES.mt.gov/SERC/] then click on “SERC Member Packet”.

The SERC is continually reviewing its mission to see what improvements or changes should be made to strengthen our emergency response capabilities. Making Montana a secure, disaster resilient state requires many stakeholders finding ways to adequately prepare and respond to emergencies. We strive to listen to the whole community so that we ensure the SERC and committees are responsive to their needs.

We appreciate the time and attention you will be committing to this important assignment. If you have any questions regarding these materials, please contact the SERC at mtserc@mt.gov or contact Disaster and Emergency Services at (406) 324-4777. Again, congratulations on your appointment and thank you for your service!

Sincerely,

Delila Bruno, SERC Co-Chair

John Rasmann, SERC Co-Chair
State Emergency Response Commission (SERC)  
November 16, 2021

Vision Statement
Montana is a secure, disaster resilient state.

Mission Statement
The mission of Montana’s State Emergency Response Commission (SERC) is to enable the whole community to effectively prepare for, respond to, and recover from all hazards, emergencies and disasters.

Goals
1. Support and oversee Local Emergency Planning Committees (LEPC).
2. Be prepared to respond to requests from the public for information relating to emergency response in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA).
3. Support All-Hazards, to include hazardous materials, Preparedness, Response and Recovery activities.
4. Establish and maintain the appropriate committees to accomplish the responsibilities of the SERC.

Objectives
1.1 Work cooperatively with LEPCs to achieve all-hazards, including hazardous materials, partnerships across Montana.
   a. Record at least one designated contact responsible to respond to “requests for information” from the public, as a member of each LEPC.

1.2 Assist local governments to establish and maintain fully functional LEPCs.
   a. Receive LEPC meeting minutes to the SERC, via Montana Disaster and Emergency Services (“the division”), no less than once a year.

1.3 Advise the Governor and the Adjutant General, through the division, on the status of state and local emergency management.
   a. Review available assessments and reports at least once every two years.
2.1 Establish procedures for processing information requests from the public regarding hazardous materials incidents.
   a. Assure a “records request” exercise, conducted by the division, no less than every 2 years.

3.1 Develop the partnerships, coalitions and initiatives to promote coordination of all-hazards emergency management activities.
   a. Participate in the Emergency Management portion of the MACo Mid-Winter Conference every 2 years.

3.2 Establish and maintain procedures for the certification, deployment and cost recovery of state hazardous material incident response teams and all-hazard incident management assistance teams.
   a. The HazMat and the All Hazards Response Committees will review procedures no less than every 2 years.

3.3 Act as an advisory board for response partners, including the division of Disaster and Emergency Services.

3.4 Participate in and conduct studies to assess the state of preparedness, response and recovery resources within Montana.
   a. The SERC shall be advised of the summary of Montana’s Threat and Hazard Identification and Risk Assessment (THIRA) and State Preparedness Report (SPR), or equivalent report(s), annually. The Commission may choose to conduct their own additional assessment(s).

3.5 Recommend the development and/or strengthening of statewide emergency management standards, practices, policies and strategies.
   a. The SERC shall collaborate with the division and the Montana Association of Disaster and Emergency Coordinators (MADESC) on the establishment of emergency management baselines, standards and strategies.

4.1 Maintain the appropriate SERC representation.
   a. Maintain SERC and Committee membership in accordance with Montana Code Annotated (MCA) 10-3-1204.

4.2 Ensure committees have appropriate SERC and relevant Subject Matter Experts on each committee.
   a. All established Committees shall meet no less than twice a year and report their progress to the full SERC at the semi-annual meetings.
<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delila Bruno</td>
<td><a href="mailto:dbruno@mt.gov">dbruno@mt.gov</a></td>
<td>MT DES Division</td>
</tr>
<tr>
<td>Chelsi Bay</td>
<td><a href="mailto:Cbay@mt.gov">Cbay@mt.gov</a></td>
<td>Department of Agriculture</td>
</tr>
<tr>
<td>John Rasman</td>
<td><a href="mailto:JRasman@mt.gov">JRasman@mt.gov</a></td>
<td>Department of Environmental Quality</td>
</tr>
<tr>
<td>Georgia Bruski</td>
<td><a href="mailto:ccdes42@gmail.com">ccdes42@gmail.com</a></td>
<td>An Emergency Management Association</td>
</tr>
<tr>
<td>Brian Wilkinson</td>
<td><a href="mailto:brian.wilkinson5@us.af.mil">brian.wilkinson5@us.af.mil</a></td>
<td>The US Air Force</td>
</tr>
<tr>
<td>John Monzie</td>
<td><a href="mailto:jmonzie@mt.gov">jmonzie@mt.gov</a></td>
<td>Department of Natural Resources and Conservation</td>
</tr>
<tr>
<td>Mike Gehl</td>
<td><a href="mailto:mgehl@mttruckering.org">mgehl@mttruckering.org</a></td>
<td>Trucking Association</td>
</tr>
<tr>
<td>Angel Becker</td>
<td><a href="mailto:a.beckerncdes@gmail.com">a.beckerncdes@gmail.com</a></td>
<td>Tribal Emergency Response Commission</td>
</tr>
<tr>
<td>Danny Kaluza</td>
<td><a href="mailto:daniel.kaluza@northwestern.com">daniel.kaluza@northwestern.com</a></td>
<td>Utility Company Doing Business in Montana</td>
</tr>
<tr>
<td>Don Britton</td>
<td><a href="mailto:donald.britton@noaa.gov">donald.britton@noaa.gov</a></td>
<td>National Weather Service</td>
</tr>
<tr>
<td>Gregory Doyon</td>
<td><a href="mailto:gdoyon@greatfallsmt.net">gdoyon@greatfallsmt.net</a></td>
<td>Montana League of Cities and Towns</td>
</tr>
<tr>
<td>Shari Graham</td>
<td><a href="mailto:sgraham2@mt.gov">sgraham2@mt.gov</a></td>
<td>Emergency Medical Services and Trauma Systems</td>
</tr>
<tr>
<td>VACANT</td>
<td></td>
<td>Department of Public Health and Human Services</td>
</tr>
<tr>
<td>Jennifer Staton</td>
<td><a href="mailto:jennifer.staton@sclhealth.org">jennifer.staton@sclhealth.org</a></td>
<td>Montana Hospital Association</td>
</tr>
<tr>
<td>John Culbertson</td>
<td><a href="mailto:john.culbertson@montana.edu">john.culbertson@montana.edu</a></td>
<td>Fire Services Training School</td>
</tr>
<tr>
<td>Daniel Smith</td>
<td><a href="mailto:dksmith.31238@gmail.com">dksmith.31238@gmail.com</a></td>
<td>Law Enforcement Association</td>
</tr>
<tr>
<td>Stephanie Ler</td>
<td><a href="mailto:sler@richland.org">sler@richland.org</a></td>
<td>Public Health Association</td>
</tr>
<tr>
<td>Jayson Olthoff</td>
<td><a href="mailto:jayson.olthoff@icloud.com">jayson.olthoff@icloud.com</a></td>
<td>Montana's Insurance Industry</td>
</tr>
<tr>
<td>Michelle Snyder</td>
<td><a href="mailto:michelle.slyder@chsinc.com">michelle.slyder@chsinc.com</a></td>
<td>Montana's Petroleum Industry</td>
</tr>
<tr>
<td>Mike McGinley</td>
<td><a href="mailto:mmcginley@beaverheadcounty.org">mmcginley@beaverheadcounty.org</a></td>
<td>Montana Association of Counties</td>
</tr>
<tr>
<td>Ron Jendro</td>
<td><a href="mailto:rjendro@mt.gov">rjendro@mt.gov</a></td>
<td>Department of Fish, Wildlife, and Parks</td>
</tr>
<tr>
<td>Scott Sanders</td>
<td><a href="mailto:ssanders@bozeman.net">ssanders@bozeman.net</a></td>
<td>Emergency Medical Services Association</td>
</tr>
<tr>
<td>Charlie Brereton</td>
<td><a href="mailto:charles.brereton@mt.gov">charles.brereton@mt.gov</a></td>
<td>Office of the Governor</td>
</tr>
<tr>
<td>Hayley Tuggle</td>
<td><a href="mailto:hayley.tuggle@montana.edu">hayley.tuggle@montana.edu</a></td>
<td>University System</td>
</tr>
<tr>
<td>Steve Lavin</td>
<td><a href="mailto:slavin@mt.gov">slavin@mt.gov</a></td>
<td>Department of Justice</td>
</tr>
<tr>
<td>Tom Kuntz</td>
<td><a href="mailto:tom@redlodgefire.com">tom@redlodgefire.com</a></td>
<td>Fire Chiefs Association</td>
</tr>
<tr>
<td>Tony Bacino</td>
<td><a href="mailto:tbacino@mtrail.com">tbacino@mtrail.com</a></td>
<td>Railroad Company Doing Business in Montana</td>
</tr>
<tr>
<td>Col. Michael Moreni</td>
<td><a href="mailto:Michael.k.moreni.mil@mail.mil">Michael.k.moreni.mil@mail.mil</a></td>
<td>National Guard</td>
</tr>
<tr>
<td>Susan McEachern</td>
<td><a href="mailto:smceachern@mt.gov">smceachern@mt.gov</a></td>
<td>Department of Transportation</td>
</tr>
</tbody>
</table>

Updated October 2021
On December 4, 1984, methyl isocyanate—an extremely toxic chemical—escaped from a Union Carbide chemical plant in Bhopal, India. Thousands of people died that night in what is widely considered to be the worst industrial disaster in history. Thousands more died later as a result of their exposure, and survivors continue to suffer with permanent disabilities. Six months later, a serious chemical release occurred at a similar facility in Institute, West Virginia; six people were hospitalized.

These two events raised concern about local preparedness for chemical emergencies and the availability of information on hazardous chemicals, and underscored growing demands by citizens, public interest groups and environmental organizations for information on the toxic chemicals routinely used and released by facilities in their communities.

In response, Congress passed the **Emergency Planning and Community Right-to-Know Act (EPCRA)** on October 17, 1986. EPCRA established requirements for federal, state and local governments; Indian tribes; and industrial facilities regarding emergency planning and “community right-to-know” reporting on hazardous and toxic chemicals. On October 23, 2018, the passage of America’s Water Infrastructure Act (AWIA) created additional responsibilities for state, tribal and local governments.

EPCRA’s emergency planning provisions help communities prepare for potential chemical accidents. EPCRA’s right-to-know provisions help increase public knowledge of and access to information on the presence, use, and release of chemicals at individual facilities. States, tribes and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

**What are SERCs, TERCs, TEPCs and LEPCs?**

- **State Emergency Response Commissions (SERCs)**
  Shortly after EPCRA was passed, the Governor of each state created a State Emergency Response Commission (SERC). The SERCs are responsible for designating local emergency planning districts and appointing Local Emergency Planning Committees (LEPCs) for each district. Each SERC supervises and coordinates the activities of their respective LEPCs, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

- **Tribal Emergency Response Commissions (TERCs)**
  The Chief Executive Office of the Tribe appoints the Tribal Emergency Response Commissions (TERCs). TERCs have the same responsibilities as SERCs. Tribal Emergency Planning Committees (TEPCs), established by the TERCs, have the same responsibilities as LEPCs.

- **Local Emergency Planning Committees (LEPCs) and Tribal Emergency Planning Committees (TEPCs)**
  Nationwide, there are 3500 LEPCs. LEPC and TEPC members must include, at a minimum, local officials (including police, fire, civil defense, public health, transportation, and environmental professionals), as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. Each LEPC and TEPC must develop an emergency response plan, review them at least annually, and provide the public with information about chemicals present in the community.

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1 SERCs, TERCs, TEPCs and LEPCs were established under EPCRA section 301.
What EPCRA Covers

EPCRA has four major provisions:

- Emergency Planning Notification and Emergency Response Plans (Sections 302-303)
- Emergency Release Notification (Section 304)
- Hazardous Chemical Inventory Reporting (Sections 311-312)
- Toxic Chemical Release Inventory (referred to as the “Toxics Release Inventory”) (Section 313)

Information collected under these sections helps states, tribes, and communities understand existing chemical hazards in communities, as well as at individual facilities.

Regulations implementing EPCRA are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372.
As required by Section 302, within 30 days after the enactment, EPA published the list of Extremely Hazardous Substances (EHSs) and their Threshold Planning Quantities (TPQs) in an interim final rule. In April 1987, the list of EHSs and their TPQs was finalized. Within seven months of the enactment, facilities were required to notify the SERC (or TERC) and LEPC (or TEPC) if any EHS at or above its TPQ was present on site or within 60 days of first shipment or production of the substance on site.

Emergency response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under Section 303. LEPCs and TEPCs are required to update these plans annually. The plans must:

- Identify facilities with EHSs on site at or above the TPQs, routes likely to be used to transport EHSs, and additional facilities contributing or subjected to additional risk due to their proximity to facilities with EHSs on site, such as hospitals or natural gas facilities;
- Describe procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any chemical release;
- Designate a community emergency coordinator and facility emergency coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the area and population likely affected by the chemical releases;
- Describe local emergency equipment and the facilities and persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders; and,
- Provide methods and schedules for exercising emergency response plans.

Emergency response plans were initially focused on, but were not limited to, the 406 extremely hazardous substances (EHSs) listed by EPA in 1987. The list has been revised several times since, and, as of October 2020, includes 355 chemicals.
Section 304 of EPCRA requires facilities to immediately notify the SERC (or TERC) and LEPC (or TEPC) if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity established in the regulations. This requirement is in addition to the release notification requirements under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Emergency release notification requirements under EPCRA section 304 cover 355 EPCRA EHSs and more than 800 hazardous substances (HSs) (“CERCLA HSs”) listed under CERCLA. (The lists of EPCRA EHSs and CERCLA HSs are codified in 40 CFR parts 355 and 302, respectively). Some chemicals are common to both lists. Initial notification can be made by telephone (most states have hotlines), radio, or in person. Under EPCRA Section 304, notification of releases occurring during transportation can be made by dialing 911, or in the absence of a 911 emergency number, calling the operator.

As stated in EPCRA section 304(b), the initial release notification should include:

- The chemical name;
- An indication of whether it is an extremely hazardous substance;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and
- Name and telephone number of contact person.

As required by EPCRA Section 304(c), a follow-up written report must be submitted to the SERC (or TERC) and LEPC (or TEPC) as soon as practicable after the release. The follow-up report must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

As required by EPCRA Section 304(c), a follow-up written report must be submitted to the SERC (or TERC) and LEPC (or TEPC) as soon as practicable after the release. The follow-up report must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

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Comparison of CERCLA HSs and EPCRA EHSs

- CERCLA HSs: >800
- EPCRA EHSs: 355
- Substances common to both lists: 153

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2 Many states require the written report to be submitted within 30 days.
Amendments to EPCRA Section 304

In addition to the facility notification requirements described above, Section 2018 of the America’s Water Infrastructure Act (AWIA), enacted on October 23, 2018, amended EPCRA Section 304 to require SERCs and TERCs to promptly notify the state drinking water primacy agency (i.e., applicable state agency) of any reportable release and provide this agency with:

- The information collected under section 304(b) from the initial release notification; and
- The follow-up written report received under section 304(c).

The state drinking water primacy agency is then required to promptly provide all the information regarding the release to any community water systems whose source water is affected by the release. A community water system’s source water is potentially affected if the release occurs in that system’s source water area (also known as a source water protection area) or upstream of the system’s water intake. Drinking water primacy agencies and community water systems can provide the boundaries for source water protection areas to the SERCs and TERCs. For states with no state drinking water primacy agency, the SERC and TERC are required to directly notify the potentially affected community water systems.

AWIA Section 2018(a) Release Notification Flow
Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) (Safety Data Sheet, SDS) for any hazardous chemicals stored or used in the workplace. Approximately 800,000 products are required to have MSDSs (SDSs).

Section 311 requires facilities that have MSDSs (SDSs) for chemicals held above certain threshold quantities to submit either copies of their MSDSs or a list of these chemicals to the SERC (or TERC), LEPC (or TEPC), and local fire department. If the facility owner or operator chooses to submit a list, it must include the chemical or common name of each substance and must identify the applicable hazard categories. These hazard categories are:

### Physical Hazards
- Flammable (gases, aerosols, liquids, or solids)
- Gas under pressure
- Explosive
- Self-heating
- Pyrophoric (liquid or solid)
- Oxidizer (liquid, solid, or gas)
- Organic peroxide
- Self-reactive
- In contact with water emits flammable gas
- Corrosive to metal
- Hazard Not Otherwise Classified (HNOC)

### Health Hazards
- Carcinogenicity
- Acute toxicity (any route of exposure)
- Reproductive toxicity
- Skin Corrosion or Irritation
- Respiratory or Skin Sensitization
- Serious eye damage or eye irritation
- Specific target organ toxicity (single or repeated exposure)
- Germ cell mutagenicity
- Aspiration Hazard
- Hazard Not Otherwise Classified (HNOC)

If requested by an LEPC or TEPC, a facility owner or operator must submit a copy of the MSDS (SDS) for any chemical on the list.

Facilities that start using a new hazardous chemical or increase the quantity of a hazardous chemical that exceed the thresholds must submit MSDSs (SDSs) or a list of these chemicals within three months of triggering reporting. Facilities must also provide a revised MSDS (SDS) or list if significant new information is discovered about the hazardous chemical.

Facilities covered by Section 311 must annually submit an Emergency and Hazardous Chemical Inventory Form to the SERC (or TERC), LEPC (or TEPC) and the local fire department as required under Section 312. Facilities provide either a Tier I or Tier II inventory form.
The **Tier I inventory form** includes the following aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of hazardous chemicals for each category present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of hazardous chemicals in each category; and
- The general location of hazardous chemicals in each category.

The **Tier II inventory form** contains basically the same information as the Tier I form, but it must list the specific chemicals. The Tier II inventory form provides the following information for each chemical:

- The chemical name or the common name as indicated on the MSDS;
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner elects to withhold location information from disclosure to the public.

Many states now require facilities to submit Tier II information using Tier2 Submit³ software or the state equivalent including electronic reporting under state law. Tier II information must be submitted on or before March 1 of each year for chemicals present at the facility during the previous year.

**Amendments to EPCRA Section 312**

Section 2018 of the America’s Water Infrastructure Act (AWIA) also amended EPCRA Section 312, requiring SERCs, TERCs, LEPCs, and TEPCs to provide affected community water systems with Tier II information for facilities within their source water area upon request. Source water areas may span multiple jurisdictional boundaries at the state, tribal, and local levels, potentially requiring access to Tier II information from multiple SERCs, TERCs, LEPCs, or TEPCs. If a facility has not complied with Tier II reporting requirements, then the SERC (or TERC) and LEPC (or TEPC) should request that the facility submit its Tier II form and then provide Tier II information to the affected community water systems.

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³ Tier2 Submit is an electronic reporting software developed by EPA and NOAA.
The Toxics Release Inventory (TRI) is a publicly available database that contains information on the quantities of certain toxic chemicals released annually to air, water and land, or otherwise managed as waste by facilities throughout the United States.

Facilities in covered industry sectors must report how much of each chemical they manage through recycling, energy recovery, treatment and environmental releases. TRI reporting forms must be submitted to EPA and the appropriate state or tribe by July 1 of each year; these forms contain waste management data for the previous calendar year.

The information submitted by facilities is compiled in the Toxics Release Inventory and made available to the public through online tools, written analyses, and interactive charts and maps at [www.epa.gov/tri](http://www.epa.gov/tri). This information is always available and free, and supports informed decision-making by communities, government agencies, companies, and others.

TRI includes information about:

- Management (including environmental releases) of lead, mercury, dioxin and other chemicals of concern;
- On-site releases (including disposal) of TRI-covered chemicals to air, surface waters and land;
- On-site recycling, energy recovery, and treatment associated with TRI-covered chemicals;
- Off-site transfers of chemicals from TRI facilities to other locations; and
- Pollution prevention activities at facilities.

TRI reporting is required for facilities that:

- Are in a TRI-covered industry sector;
- Employ the equivalent of 10 or more full-time staff; AND
- Manufacture, process, or otherwise use a TRI-covered chemical in quantities above the established reporting threshold (see page 9).

Some of the ways TRI data can be used include:

- Identifying sources of toxic chemical releases;
- Providing a basis for community discussions, educational activities, and public health research;
- Helping companies learn from each other’s best practices to reduce pollution; and
- Combining TRI with health data and other information to better understand potential environmental and human health hazards.
# Chemicals and Reporting Thresholds

<table>
<thead>
<tr>
<th>Section</th>
<th>Chemicals Covered</th>
<th>Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Planning Notification and Emergency Response Plans (302-303)</td>
<td>Extremely Hazardous Substances (EHSs) (40 CFR part 355, Appendix A and B)</td>
<td>Threshold Planning Quantity: Ranges from 1 to 10,000 pounds on site at any one time</td>
</tr>
<tr>
<td>Emergency Release Notification (304)</td>
<td>EHSs (40 CFR part 355, Appendix A and B) and CERCLA HSs (40 CFR 302.4)</td>
<td>Reportable Quantity: Ranges from 1 to 5,000 pounds, released in any 24-hour period</td>
</tr>
<tr>
<td>Hazardous Chemical Inventory Reporting (311-312)</td>
<td>Approximately 800,000 products</td>
<td>Thresholds: 500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)<em>; diesel greater than or equal to 100,000 gallons (all grades combined)</em>; 10,000 pounds for all other hazardous chemicals</td>
</tr>
<tr>
<td>Toxic Chemical Release Inventory (313)</td>
<td>767 toxic chemicals and 33 chemical categories (40 CFR 372.65)</td>
<td>Thresholds: 25,000 pounds manufactured or processed in a year; 10,000 pounds otherwise used in a year; chemicals of special concern have lower thresholds</td>
</tr>
</tbody>
</table>

*These thresholds are only applicable for gasoline and diesel present at retail gas stations in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.
Other EPCRA Provisions*

Trade Secrets

EPCRA Section 322 allows facilities to file trade secret claims in their reports under EPCRA Sections 303, 311, 312, and 313. Only the specific chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. A facility cannot claim trade secrets under EPCRA section 304.

Even if specific chemical identity information can be legally withheld from the public, EPCRA Section 323 allows the information to be disclosed to health professionals who need to use it for diagnostic and treatment purposes, or to local health officials conducting studies, sampling, and other medical research activities. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. During a medical emergency, the health professional may obtain the specific chemical identity from the facility for treatment.

Any person may challenge trade secret claims by petitioning EPA. The Agency must then review the claim and rule on its validity.

EPCRA Penalties

EPCRA Section 325 allows for civil and administrative penalties ranging from up to $23,331 - $174,9854 per violation per day when facilities fail to comply with the reporting requirements. Criminal penalties up to $50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than $20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

Citizens Suits

EPCRA Section 326 allows citizens to initiate civil actions against EPA, SERCs, TERCs and the owner or operator of a facility for failure to meet certain EPCRA requirements. A SERC, TERC, LEPC, TEPC, and state or local government may institute actions against facility owner or operator for failure to comply with EPCRA requirements. In addition, states may sue EPA for failure to provide trade secret information.


* Not all these provisions are requirements.
# Reporting Schedules

<table>
<thead>
<tr>
<th>Section</th>
<th>Schedule</th>
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<tbody>
<tr>
<td>Emergency Planning Notification and Emergency Response Plans</td>
<td>A one-time notification to the SERC/TERC and LEPC/TEPC. Thereafter, within 60 days of the facility triggering reporting. If an LEPC or TEPC requests any information for developing or modifying local emergency plans, the owner or operator of the facility must promptly provide the information.</td>
</tr>
<tr>
<td>302 &amp; 303</td>
<td></td>
</tr>
<tr>
<td>Emergency Release Notification</td>
<td>A notification to the SERC (or TERC), and LEPC (or TEPC) is required each time a release of an EPCRA EHS or a CERCLA Hazardous substance at or above its reportable quantity.</td>
</tr>
<tr>
<td>304</td>
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</tr>
<tr>
<td>Hazardous Chemical Inventory Reporting</td>
<td>One-time submission of MSDS (SDS) or list of hazardous chemicals. An update is required for new chemicals or new information about chemicals already submitted to the SERC (or TERC), LEPC (or TEPC), and the fire department with jurisdiction over the facility.</td>
</tr>
<tr>
<td>311</td>
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<tr>
<td>311-312</td>
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<tr>
<td>312</td>
<td>Annually, by March 1 to SERC (or TERC), LEPC (or TEPC), and the fire department with jurisdiction over the facility.</td>
</tr>
<tr>
<td>313</td>
<td>Annually, by July 1, to EPA, states and tribes.</td>
</tr>
</tbody>
</table>
How can I learn more about EPCRA?

- Regulations, factsheets, guidance documents, and answers to frequently asked questions related to EPCRA Sections 301 to 312: [www.epa.gov/epcra](http://www.epa.gov/epcra)
- EPA’s “List of Lists” detailing chemicals covered under EPCRA regulations: [www.epa.gov/epcra/consolidated-list-lists-under-epcracercllaa-ss112r-august-2020-version](http://www.epa.gov/epcra/consolidated-list-lists-under-epcracercllaa-ss112r-august-2020-version)
- List of SERCs: [www.epa.gov/epcra/state-emergency-response-commissions-contacts](http://www.epa.gov/epcra/state-emergency-response-commissions-contacts)
- TRI reporting for facilities: [www.epa.gov/tri/reporting](http://www.epa.gov/tri/reporting)

How can I access data and information reported under EPCRA?

Information submitted under the authority of EPCRA is available from the following sources:

- **Sections 303 & 304**: Each emergency response plan and follow-up written report of any release are available to the public from the relevant SERC, TERC, LEPC and TEPC, according to the procedures and processes established by these entities.
- **Sections 311 & 312**: The information submitted under Sections 311 and 312 is publicly available on request from the relevant TEPCs or LEPCs, and SERCs or TERCs.
- **Section 313**: The information submitted by facilities is compiled and made available to the public through online tools, interactive charts, graphs and maps at [www.epa.gov/tri](http://www.epa.gov/tri).

Who can I contact for more information?

Contact the TRI, EPCRA, RMP & Oil Information Center: 1-800-424-9346

Office of Chemical Safety and Pollution Prevention
Office of Land and Emergency Management
Fall 2020
**Affected Community Water System(s):** One or more community water systems (Safe Drinking Water Act (SDWA) section 1401(15)) that receives supplies of drinking water from a source water protection area, delineated under SDWA Section 1453, in which a facility that is required to prepare and submit an inventory form is located.

**Community Water Systems:** A system that provides water for human consumption through pipes or other constructed conveyances and has at least fifteen service connections or regularly serves at least twenty-five individuals, and which serves the same population year-round (SDWA Section 1401(15)).

**Extremely Hazardous Substance (EHS):** EHSs are listed in the Coded of Federal Regulations at 40 CFR part 355, Appendices A and B.

**Facility:** A facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person).

**Hazardous Substance (HS):** Hazardous substances defined under CERCLA and their reportable quantities are listed in the Code of Federal Regulations at 40 CFR part 302, Table 302.4.

**State Drinking Water Primacy Agency** (i.e., applicable state agency): the drinking water primacy agency that has primary responsibility to enforce the requirements of the SDWA in a state. For links to the various drinking water primacy agencies, see [www.asdwa.org/links](http://www.asdwa.org/links).

**Toxic Chemical:** In general, for TRI reporting purposes, a toxic chemical is one that causes 1) cancer or other chronic human health effects; 2) significant adverse acute human health effects; and/or 3) significant adverse environmental effects. Chemicals subject to TRI reporting requirements are defined by EPCRA Section 313 and modified through EPA rulemakings. See the complete TRI chemical list at [www.epa.gov/tri/chemicals](http://www.epa.gov/tri/chemicals).
State Emergency Response Commission -- Members -- Duties -- Establishment Of Incident Response And Incident Management Teams

10-3-1204. State emergency response commission -- members -- duties -- establishment of incident response and incident management teams. (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of 29 members appointed by the governor. The commission must include representatives of the national guard, the air force, the department of environmental quality, the division, the department of transportation, the department of justice, the department of natural resources and conservation, the department of public health and human services, a fire service association, the fire services training school, the emergency medical services and trauma systems section of the public health and safety division in the department of public health and human services, the department of fish, wildlife, and parks, the department of agriculture, Montana hospitals, an emergency medical services association, a law enforcement association, an emergency management association, a public health-related association, a trucking association, a utility company doing business in Montana, a railroad company doing business in Montana, Montana's petroleum industry, Montana's insurance industry, the university system, a tribal emergency response commission, the national weather service, the Montana association of counties, the Montana league of cities and towns, and the office of the governor. At least one representative must be a member of a local emergency planning committee. Members of the commission serve terms of 4 years and may be reappointed. The members shall serve without compensation. The governor shall appoint two presiding officers from the appointees, who shall act as copresiding officers.

(2) The commission shall implement the provisions of this part. The commission may create and implement a state hazardous material incident response team to respond to hazardous material incidents. The members of the team must be certified in accordance with the plan.

(3) The commission may enter into written agreements with each entity or person providing equipment or services to the state hazardous material incident response team.

(4) The commission or its designee may direct that the state hazardous material incident response team be available and respond, when requested by a local emergency response authority, to hazardous material incidents according to the plan.

(5) The commission may contract with persons to meet state emergency response needs for the state hazardous material incident response team.

(6) The commission may advise, consult, cooperate, and enter into agreements with agencies of the state and federal government, other states and their state agencies, cities, counties, tribal governments, and other persons concerned with emergency response and matters relating to and arising out of incidents.

(7) The commission may encourage, participate in, or conduct studies, investigations, training, research, and
demonstrations for and with the state hazardous material incident response team, local emergency responders, and other interested persons.

(8) The commission may collect and disseminate information relating to emergency response to incidents.

(9) The commission may accept and administer grants, gifts, or other funds, conditional or otherwise, made to the state for emergency response activities provided for in this part.

(10) The commission may prepare, coordinate, implement, and update a plan that coordinates state and local emergency authorities to respond to incidents within the state. The plan must be consistent with this part. All state emergency response responsibilities relating to an incident must be defined by the plan.

(11) The commission has the powers and duties of a state emergency response commission under the federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001, et seq., except that the division shall oversee the creation, annual local review, and exercise and revision of the local emergency operations plan as provided by state law.

(12) The commission shall promulgate rules and procedures limited to cost recovery procedures, certification of state hazardous material incident response team members and all-hazard incident management assistance team members, and deployment of the state hazardous material incident response team and all-hazard incident management assistance teams, which must be a part of the plan.

(13) The commission shall act as an all-hazard advisory board to the division by:

(a) assisting the division in carrying out its responsibilities by providing the division with recommendations on issues pertaining to all-hazard emergency management;

(b) authorizing the establishment of subcommittees to develop and provide the recommendations called for in subsection (13)(a); and

(c) establishing all-hazard incident management assistance teams.

(14) The commission shall appoint the members of the Montana intrastate mutual aid committee provided for in 10-3-904.

(15) All state agencies and institutions shall cooperate with the commission in the commission's efforts to carry out its duties under this part.

History: En. Sec. 4, Ch. 270, L. 1995; amd. Sec. 1, Ch. 45, L. 1999; amd. Sec. 1, Ch. 37, L. 2003; amd. Sec. 13, Ch. 354, L. 2005; amd. Sec. 7, Ch. 44, L. 2007; amd. Sec. 1, Ch. 67, L. 2007; amd. Sec. 3, Ch. 18, L. 2015.
State Emergency Response Commission
The State Emergency Response Commission (SERC) was created through the Emergency Planning and Community Right-to-Know Act (EPCRA) as well as the Montana Code Annotated (MCA). EPCRA was passed in 1986 due to concerns that arose from the 1984 disaster in Bhopal, India where an accidental release of a deadly chemical killed or injured over 2,000 people.

MCA 10-3-1204 identifies the members of the SERC their roles in Hazardous Material Incident Response including acting as an all-hazards advisory board to the Montana Disaster and Emergency Services (MT DES). The overall mission of the SERC is to ensure that Montana is a secure, disaster resilient state, able to effectively prepare for, respond to, and recover from all emergencies and disasters. The SERC meets twice a year. There are several committees which have been established to increase emergency preparedness in the state. Some committees are responsible to the SERC; other committees assist the SERC to fulfill its all-hazards advisory board responsibilities.

Steering Committee
The Steering Committee is comprised of members that have volunteered to help develop the strategic direction of the SERC. The Steering Committee meets on a monthly basis.

Hazardous Materials Committee
The Hazardous Materials Committee is a permanent standing component of the SERC, established to provide relevant information and recommendations concerning chemicals and other hazardous materials. The Committee meets twice a year and on an ad-hoc basis.

All-Hazards Response Committee
In statute, the All-Hazard Response Committee is referred to as the Montana Intrastate Mutual Aid Committee. The All-Hazards Response Committee is a permanent standing component of the SERC established to share information; recommend coordinated direction; review and endorse procedures; draft and/or develop, evaluate, and recommend policy, relating to response to and management of all hazard incidents that exceed the capability of the responsible agency. The All-Hazards Response Committee meets on a quarterly and ad-hoc basis.

Senior Advisory Committee
The Senior Advisory Committee (SAC) is required through the federal Department of Homeland Security Grant program. The SAC meets on a quarterly and ad-hoc basis to recommend funding priorities and projects that will be paid for through the State Homeland Security Grant Program. The SAC is responsible to MT Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role.

Montana Emergency Response Framework & Emergency Support Function Committee
The Montana Emergency Response Framework & Emergency Support Function (MERF/ESF) Committee and state agencies work together to coordinate their roles during an emergency or disaster. The MERF/ESF Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The MERF/ESF Committee meets on a quarterly basis.

Emergency Alert System Committee
The Emergency Alert System (EAS) Committee coordinates the EAS and the Integrated Public Alert & Warning System efforts between partners, including broadcasters, cable companies, National Weather Service, FEMA, FCC, other states and other present and future EAS participants. The EAS Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The EAS committee meets twice a year.
SERC & MT DES Committees Relationships

Disaster and Emergency Services (MT DES) and the State Emergency Response Commission (SERC) are established through the Montana Code Annotated (MCA). The SERC acts as the All-Hazards Advisory Board to MT DES to better prepare Montana to respond to and recover from disasters. Each entity identified commits to work in subject areas with these committees, providing reports to the SERC, to enable the SERC to make informed recommendations. This chart represents the relationships between the SERC, MT DES, associated committees, and their working relationships.

This chart represents the SERC’s best interpretation of Montana Code Annotated.
10-3-101. Declaration of policy. Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action and natural disasters and in order to provide for prompt and timely reaction to an emergency or disaster, to ensure that preparation of this state will be adequate to deal with disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of this state to the fullest extent practicable, it is declared to be necessary to: (1) authorize the creation of local or interjurisdictional organizations for disaster and emergency services in the political subdivisions of this state; (4) clarify and strengthen the roles of the governor, state agencies, local governments, and tribal governments in prevention of, preparation for, response to, and recovery from emergencies and disasters; (5) authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery; (6) authorize and provide for coordination of activities relating to disaster prevention, preparedness, mitigation, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state, its political subdivisions, and tribal governments may participate; (7) provide an emergency and disaster management system embodying all aspects of emergency or disaster prevention, preparedness, response, and recovery;

10-3-105. Division of disaster and emergency services -- duties. (1) A division of disaster and emergency services is established in the department. The division must have an administrator and other professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. (2) The department through the division of disaster and emergency services is responsible to the governor for carrying out the planning and program for disaster and emergency services of this state. (3) The division shall prepare and maintain a comprehensive plan and program for disaster and emergency services of this state. The plan and program must be coordinated with the disaster and emergency plans and programs of the federal government, other states, political subdivisions, tribal governments, and Canada to the fullest extent possible. (4) The division shall: (a) coordinate the preparation of the plan and program for disaster and emergency services with the political subdivisions of this state; (b) coordinate disaster and emergency prevention and preparation activities of all departments, agencies, and organizations within the state; (c) advise and assist the political subdivisions of this state in executing their disaster and emergency services responsibilities;

10-3-301. State disaster and emergency plan. (1) The state disaster and emergency plan and program may provide for: (e) recommendations for preventive and preparedness measures designed to eliminate or reduce disasters or their impact; (f) organization of personnel and chains of command; (g) coordination of federal, state, and local disaster and emergency activities; and (2) In preparing and maintaining the state disaster and emergency plan and program, the division may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the division may encourage them to seek advice from these sources.
10-3-305. Governor commander-in-chief -- duties. (1) During an incident and during a state of emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or assign command authority by prior arrangement embodied in the state disaster and emergency plan and program and appropriate executive orders.

(2) The governor shall use the services and facilities of the existing officers and agencies of the state, and all officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request in the carrying out of the purposes of parts 1 through 4 of this chapter.

10-3-904. Montana intrastate mutual aid committee -- members -- officers -- meetings -- compensation. (1) There is a Montana intrastate mutual aid committee.

(2) All members of the committee must be appointed by and serve at the pleasure of the state emergency response commission established in 10-3-1204.

10-3-1204. State emergency response commission -- members -- duties -- establishment of incident response and incident management teams. (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of 29 members appointed by the governor....

(2) The commission shall implement the provisions of this part. The commission may create and implement a state hazardous material incident response team to respond to hazardous material incidents. The members of the team must be certified in accordance with the plan.

(3) The commission may enter into written agreements with each entity or person providing equipment or services to the state hazardous material incident response team.

(4) The commission or its designee may direct that the state hazardous material incident response team be available and respond, when requested by a local emergency response authority, to hazardous material incidents according to the plan.

(7) The commission may encourage, participate in, or conduct studies, investigations, training, research, and demonstrations for and with the state hazardous material incident response team, local emergency responders, and other interested persons.

(8) The commission may collect and disseminate information relating to emergency response to incidents.

(10) The commission may prepare, coordinate, implement, and update a plan that coordinates state and local emergency authorities to respond to incidents within the state....

(11) The commission has the powers and duties of a state emergency response commission under the federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001....

(13) The commission shall act as an all-hazard advisory board to the division by:

(a) assisting the division in carrying out its responsibilities by providing the division with recommendations on issues pertaining to all-hazard emergency management;

(b) authorizing the establishment of subcommittees to develop and provide the recommendations called for in subsection (13)(a); and

(c) establishing all-hazard incident management assistance teams.

(14) The commission shall appoint the members of the Montana intrastate mutual aid committee provided for in 10-3-904.

(15) All state agencies and institutions shall cooperate with the commission in the commission's efforts to carry out its duties under this part.